IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

WP(C).No. 414 of 2004(Y)

PETITIONER:
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1. GENERAL SECRETARY, (M.IBRAHIMKUTTY),
MUSALIAR EDUCATIONAL TRUST, KUMBAZHA,
PATHANAMTHITTA DISTRICT.

2. THE GENERAL SECRETARY (ADBULLA HAJI
AHAMMED SAIT), KERALA MUSLIM EDUCATIONAL ASSN.
ARANGATH ROAD, PULLEPPADY, COCHIN-18.

3. PRESIDENT (M.C.VARGHESE)
MANGALAM EDUCATIONAL SOCIETY, KOTTAYAM.

4. MANAGER (T.A.VIJAYAN)
SREE NARAYANA GURUKULAM COLLEGE OF ENGINEERING,
KADAYIRIPPU, KOLENCHERRY.

5. THE MANAGER (P.N.SREEKUMAR)
S.N.M.INSTITUTE OF MANAGEMENT AND
TECHNOLOGY, MALIANKARA.

6. THE MANAGING DIRECTOR (P.J.POULOSE),
CARMEL EDUCATIONAL TRUST, RANNI-PERUNAD.

7. THE EXECUTIVE TRUSTEE (T.S.RASHEED),
ILAHIA TRUST, MUVATTUPUZHA.

8. THE SECRETARY (PUNNOSE GEORGE),
MAR GREGORIOS EDUCATIONAL SOCIETY,
PATHAMUTTAM, KOTTAYAM.

9. THE MANAGER (FR.PHILIP NJARALAKKAT),
ST.JOSEPH'S COLLEGE OF ENGINEERING AND
TECHNOLOGY, PALA.

10. CHAIRMAN (P.V.MATHEW),
GOVERNING BOARD, GEDERAL INSTITUTE OF SCIENCE & TECHNOLOGY, MUKKANNOOR, ANGAMALY.

BY ADV. SRI.KURIAN GEORGE KANNAMTHANAM (SR.)

RESPONDENTS:
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1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY THE REGISTRAR, PRIYADARSINI HILLS, KOTTAYAM.

2. THE VICE CHANCELLOR, MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS, KOTTAYAM.
(DELETED)
R2 IS DELETED FROM THE PARTY ARRAY AS PER ORDER DATED 3.3.2004 IN W.P.(C) 414/04

3. THE REGISTRAR, MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS, KOTTAYAM.

ADDL. R4 STATE OF KERALA REPRESENTED BY
THE PRINCIPAL SECRETARY, HIGHER EDUCATION DEPARTMENT
(ADDL R4 IMPLEADED AS PER ORDER DATED 5.3.2004 IN WPC 414/04)

R1 BY ADV. SRI.M.K.DAMODARAN (SR.ADVOCATE)
SRI .P.K.VIJAYAMOHANAN
ADDL. R4 BY GOVT PLEADER SRI
R3 BY ADV. SRI. T.A. SHAJI, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007, ALONG WITH WPC NO. 3001 OF 2006 THE COURT ON 10/08/2007 DELIVERED THE FOLLOWING:

APPENDIX
Petitioners' exhibits:
Ext.P1 - True copy of order U.O. No Ac.A1/2/2242/2001 dated 20.07.2002 of the Academic A1 section
Ext.P2 - Copy of order No Ac.AVII/1/1371/2002 dated 26.11.2002 of the Academic AVII Section
Ext.P3 - Copy of order U.O No Ac.AVII/1/1371/2002 dt 12.12.2002 of Academic A1 Section
Ext.P4 - Copy of order U.O No Ac.AVII/1/1382/02 dt 13.12.2002 of Academic AVII Section
Ext.P5 - Copy of order U.O No Ac.AVII/1/1382/02 dated 9.1.2003 of Academic AVII Section
Ext.P6 - Copy of communication No Ac.AVII/1/1087/2003 dt 17.3.2003 of the Dy. Registrar (Acad) M.G. University
Ext.P7 - Copy of letter No Ac.A VII/1/2462/03 issued from the Dy. Registrar (Acad) M.G University dt nil
Ext.P8 - Copy of Proforma for Bond to be executed before the University
Ext.P9 - Copy of covering letter dated 22.10.2003 from the Dy.Registrar (Acad) of M.G. University
Ext.P10- Copy of judgment dated 24.9.2003 in WP(C) No 29954/03 N of this Hon'ble Court

Respondent's exhibits:

Annexure I True copy of order No AC AI Affl./94-95 of the University
Annexure II True copy of Judgment in W./A 1581/2005
Annexure III True copy of statement of financial guarantee etc.

[true copy]

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) Nos.414/2004 & 3001/2006

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Dated this the 30th day of March, 2007.

REFERENCE ORDER

The question raised in these connected cases is whether the University can charge annual affiliation cum administration fee every year and demand renewal of affiliation on an year to year basis. Senior counsel for the petitioners submitted that in the case of one Medical College at Kolencherry, the University conceded that affiliation once provisionally granted is confirmed later so that annual renewal is not required. Even though Division Bench modified this in the judgment, all what is stated is that such regular affiliation is subject to approval of the institution by the Indian Medical Council. There was contempt proceedings which ended up in Supreme Court.

Having regard to the importance of the issue and since finality is required as far as this court is concerned, these W.Ps. are referred for decision by Division Bench. Since Senior Counsel for petitioners contended that other petitions are being filed in the case of other Universities, there will be direction to the Registry to post all connected cases along with these Writ Petitions before the Division Bench.

C.N.RAMACHANDRAN NAIR
Judge

pms